



January 14, 2004

## SENATE BILL No. 152

DIGEST OF SB 152 (Updated January 12, 2004 4:09 pm - DI 52)

**Citations Affected:** IC 13-11; IC 13-18; noncode.

**Synopsis:** Groundwater standards for onsite sewage systems. Prohibits adoption of a rule by the state department of health (ISDH) if the proposed rule applies the nitrate and nitrite numeric criteria included in groundwater quality standards adopted by the water pollution control board for onsite sewage systems. Voids any rule adopted by ISDH to the extent that the rule is adopted for that purpose. Requires the department of environmental management and ISDH to jointly prepare a report concerning onsite sewage systems and nitrates and nitrites in groundwater.

**Effective:** Upon passage.

**Gard**

January 6, 2004, read first time and referred to Committee on Environmental Affairs.  
January 13, 2004, amended, reported favorably — Do Pass.

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SB 152—LS 6551/DI 52+



January 14, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

## SENATE BILL No. 152

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 13-11-2-144.8 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE UPON PASSAGE]: **Sec. 144.8. "Onsite sewage**  
4 **system", for purposes of IC 13-18-17, means:**

5 (1) **all equipment and devices necessary for proper onsite:**

6 (A) **conduction;**

7 (B) **collection;**

8 (C) **storage; and**

9 (D) **treatment; and**

10 (2) **absorption in soil;**  
11 **of sewage from a residence or a commercial facility.**

12 SECTION 2. IC 13-18-17-5, AS AMENDED BY P.L.168-1999,  
13 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 UPON PASSAGE]: Sec. 5. (a) The ~~water pollution control~~ board shall  
15 adopt rules under IC 4-22-2 establishing groundwater quality standards  
16 that include numeric and narrative criteria, a groundwater classification  
17 plan, and a method of determining where the groundwater quality

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standards must apply. The standards established under this subsection shall be used for the following purposes:

- (1) To establish minimum compliance levels for groundwater quality monitoring at regulated facilities.
- (2) To ban the discharge of effluents into potable groundwater.
- (3) To establish health protection goals for untreated water in water supply wells.
- (4) To establish concentration limits for contaminants in ambient groundwater.

**(b) Except as provided in subsection (c) and subject to subsection (d), the following agencies shall adopt rules under IC 4-22-2 to apply the groundwater quality standards established under this section to activities regulated by the agencies:**

- (1) The department.
- (2) The department of natural resources.
- (3) The state department of health.
- (4) The office of the state chemist.
- (5) The office of the state fire marshal.

**(c) The executive board of the state department of health may not adopt rules to apply the nitrate and nitrite numeric criteria included in groundwater quality standards established in rules adopted by the board under subsection (a) to onsite sewage systems.**

**(d) Any rule adopted by the executive board of the state department of health is void to the extent that the rule applies the nitrate and nitrite numeric criteria included in groundwater quality standards established in rules adopted by the Indiana water pollution control board under subsection (a) to onsite sewage systems.**

**SECTION 3. [EFFECTIVE UPON PASSAGE] (a) For purposes of this SECTION, "onsite sewage system" has the meaning set forth in IC 13-11-2-144.8.**

**(b) The department of environmental management and the state department of health shall jointly:**

- (1) prepare a report that includes the following:**
  - (A) a review of literature and recent research to document:**
    - (i) the effect of nitrates and nitrites in drinking water on public health;**
    - (ii) the effect of onsite sewage systems on levels of nitrates and nitrites in groundwater;**
    - (iii) the movement of nitrates and nitrites in soils; and**
    - (iv) the onsite sewage system technologies available to**

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1 achieve compliance with the nitrate and nitrite numeric  
2 criteria included in the groundwater quality standards  
3 under 327 IAC 2-11, as in effect January 1, 2004; and  
4 (B) the impact if newly installed onsite sewage systems  
5 were required to comply with the nitrate and nitrite  
6 numeric criteria included in the groundwater quality  
7 standards under 327 IAC 2-11, as in effect January 1,  
8 2004, including:  
9 (i) the number of residences and commercial facilities  
10 affected; and  
11 (ii) the cost of implementation; and  
12 (2) submit the report referred to in subdivision (a) before  
13 January 1, 2009, to:  
14 (A) the governor;  
15 (B) the executive director of the legislative services agency  
16 in an electronic format under IC 5-14-6; and  
17 (C) the environmental quality service council.  
18 (c) This SECTION expires January 1, 2009.  
19 SECTION 4. An emergency is declared for this act.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 152, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 20, after "the" insert "**nitrate and nitrite**".

Page 2, line 24, after "applies the" insert "**nitrate and nitrite**".

Page 2, between lines 27 and 28, begin a new paragraph and insert:  
**"SECTION 3. [EFFECTIVE UPON PASSAGE] (a) For purposes of this SECTION, "onsite sewage system" has the meaning set forth in IC 13-11-2-144.8.**

**(b) The department of environmental management and the state department of health shall jointly:**

**(1) prepare a report that includes the following:**

**(A) a review of literature and recent research to document:**

- (i) the effect of nitrates and nitrites in drinking water on public health;**
- (ii) the effect of onsite sewage systems on levels of nitrates and nitrites in groundwater;**
- (iii) the movement of nitrates and nitrites in soils; and**
- (iv) the onsite sewage system technologies available to achieve compliance with the nitrate and nitrite numeric criteria included in the groundwater quality standards under 327 IAC 2-11, as in effect January 1, 2004; and**

**(B) the impact if newly installed onsite sewage systems were required to comply with the nitrate and nitrite numeric criteria included in the groundwater quality standards under 327 IAC 2-11, as in effect January 1, 2004, including:**

- (i) the number of residences and commercial facilities affected; and**
- (ii) the cost of implementation; and**

**(2) submit the report referred to in subdivision (a) before January 1, 2009, to:**

- (A) the governor;**
- (B) the executive director of the legislative services agency in an electronic format under IC 5-14-6; and**
- (C) the environmental quality service council.**

**(c) This SECTION expires January 1, 2009."**

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Renumber all SECTIONS consecutively.  
and when so amended that said bill do pass.

(Reference is to SB 152 as introduced.)

GARD, Chairperson

Committee Vote: Yeas 6, Nays 1.

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